

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Jeffrey A. Heyser,

Complainant,

vs.

AT&T Communications of California, Inc.,

Defendant.

Case 01-08-022
(Filed August 14, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING MOTION
FOR LEAVE TO FILE UNDER SEAL**

This ruling denies Complainant's Motion for Leave to File under Seal. This proceeding was submitted on receipt of reply briefs on May 24, 2002. Complainant's motion requests leave to file a document under seal that will request that this proceeding be reopened to consider his allegations that AT&T Communications of California, Inc. (AT&T) violated Rule 1 of the Commission's Rules of Practice and Procedure. Complainant alleges AT&T knowingly misled the Commission and that, by discussing the misleading information, Complainant will reference proprietary information furnished during discovery.

Complainant can move to set aside submission under Rule 84 without filing a motion under seal. Rule 84 requires the moving party to justify reopening the proceeding by presenting facts that include material changes of fact or law. If Complainant alleges that AT&T misled the Commission and that proprietary material obtained during discovery will establish that fact,

Complainant can do so without divulging proprietary information. The Commission will rule on any motion and will address any resulting procedural issues.

However, the Commission cannot expand the scope of this proceeding to include a Rule 1 violation. In reopening the proceeding, the Commission would be limited to addressing any misstatement of fact material to the issues identified in the scoping memo. A final caveat is that, as required by Public Utilities Code Section 17012(d), this proceeding must be resolved by August 14, 2002.

Complainant must address in any motion the necessity for deviating from this statutorily required deadline.

IT IS RULED that Complainant's Motion for Leave to File under Seal is denied.

Dated June 7, 2002, at San Francisco, California.

/s/ JANICE GRAU

Janice Grau
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion for Leave to File Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated June 7, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.